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Supervisory Authority

This chapter focuses on the criminal offenses of willful failure to pay past due child support (18 U.S.C. § 228), and international parental kidnapping (18 U.S.C. § 1204). The Child Exploitation and Obscenity Section of the Criminal Division has supervisory authority over each of these offenses.

9-74.100 Federal Enforcement of Child Support

Title 18, United States Code, Section 228, the Child Support Recovery Act of 1992 (CSRA), makes the willful failure to pay a past due support obligation with respect to a child residing in another State a Federal offense. Investigative jurisdiction for this statute is vested in the Federal Bureau of Investigation. In addition, the Department of Health and Human Services (HHS), Office of Inspector General, has been deputized to investigate all Child Support Recovery Act cases.

For more information on child support violations, see the below-listed sections of the Criminal Resource Manual

Federal Enforcement of Child Support	Criminal Resource Manual at 1950
Elements of the Offense of Failure to Pay Child Support	Criminal Resource Manual at 1951
Definitions	Criminal Resource Manual at 1952
Venue	Criminal Resource Manual at 1953
Prosecution Screening Criteria	Criminal Resource Manual at 1954
Possible Defenses	Criminal Resource Manual at 1955
Sentencing Issues	Criminal Resource Manual at 1956

9-74.105 Child Support -- Notice to Target and Charging Considerations

Care must be taken to ensure that the criminal process is not used to enforce a civil debt. As such, once a case has been filed it should not be dismissed. Nor should pre-trial diversion be considered, except in extraordinary circumstances, merely because an offender makes payment. An additional consideration militating against dismissal or pre-trial diversion once charges have been filed is that the deterrent impact of the potential felonious second offense would be avoided by dismissal or pre-trial diversion of the first offense. Additionally, no notice to the target is required prior to the filing of charges in these cases. Such a practice must be weighed carefully in light of the considerations discussed above.

The determination as to whether to issue a summons or a warrant in CSRA cases should be made on a case-by-case basis by the United States Attorney's Office prosecuting the case. Since these charges will generally involve individuals who have a history of evasion of court processes and flight, a warrant may be appropriate. However, other cases involving obligors who, for instance, have become established members of another community, may only require a summons to appear.

9-74.200 International Parental Kidnapping

Title 18, United States Code, Section 1204, enacted in 1993, makes it an offense to remove a child who has been in the United States from the United States with the intent to obstruct the lawful exercise of parental rights. Such an offense is punishable by a fine under Title 18, imprisonment for not more than three years, or both.

Until December 1995, United States Attorneys were required to obtain the prior approval of the Criminal Division to initiate a prosecution under 18 U.S.C. § 1204. Although prior approval is no longer required, prosecutors are urged to contact the Child Exploitation and Obscenity Section for assistance. In addition, consultation with the Office of International Affairs is appropriate to determine the possibility for extradition in advance of charging.

For more information concerning 18 U.S.C. 1204 offenses, see the below-listed sections of the Criminal Resource Manual

International Parental Kidnapping	Criminal Resource Manual at 1957
Definitions	Criminal Resource Manual at 1958
Defenses	Criminal Resource Manual at 1959
Alternate remedy -- Hague Convention on the Civil Aspects of International Child Abduction	Criminal Resource Manual at 1960
Relationship to the Federal Kidnapping Act	Criminal Resource Manual at 1961
Use of Unlawful Flight to Avoid Prosecution warrants (UFAPS)	Criminal Resource Manual at 1962